REMARKS

Claims 1, 4-11, 13-20 and 22-29 are pending in the Application. Claims 1, 11 and 26 are independent. Claims 1, 7, 8, 11, 13-17, 20 and 26 are amended. No new matter is introduced.

Examiner Interview

Applicants thank the Examiner for courtesies extended to applicants during a telephonic interview between the Examiner Ting Zhou and representative of the Applicants, F. Sirjani, which took place on August 18, 2008. The Examiner and the representative amendments to the claims presented herein. No agreement was reached.

Claim Objections

The Examiner pointed out an informality in the preamble of claim 26. In response, claim 26 is being amended to address the informality. An informality discovered in claim 1 is also being corrected by amendment. Applicants thank the Examiner for his attention and respectfully submit that the aforesaid amendments clearly overcome the Examiner's objection.

Claim Rejections 35 U.S.C. 102(b) and 35 U.S.C. 103

Claims 1, 3-4, 9-11, 13, 18-20 and 22-27 are rejected under 35 U.S.C. 102(e) as being allegedly anticipated by Pinard (U.S. Patent No. 5,898,432).

Claims 5-8 and 14-17 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Pinard in view of Tavori (U.S. Patent No. 5,724,025).

Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Pinard in view of Ferrel (U.S. Patent No. 5,860,073).

Applicants respectfully traverse these rejections in view of the amendments to the claims and further in view of the following arguments.

Claim Amendments

Applicants are amending the claims pursuant to the Examiner's statements on page 9 of the Office Action, where the Examiner has stated: "Language stating that … intensity of the representation element's attribute increases over time (i.e. representation element that keeps getting louder, darker in color, etc.) were discussed during the interview as possibly overcoming the previous cited rejection of record …. However, the claim amendments as currently filed do not incorporate those limitations as discussed; therefore, the examiner respectfully maintains that the foregoing amendments do not overcome the cited art." (Office action, p. 9, "Response to Arguments" section.)

Pursuant to Examiner's suggestion, and to further the prosecution, Applicants are amending the independent claims to include a new limitation: "wherein the dynamically changing the human sensible attribute[s] is gradually increasing [an] intensity of the human sensible attribute[s]."

However, Applicants respectfully submit that, claims were allowable even without the addition of the above element. The reason is that, for example, in the element of claim 11 "dynamically changing the human sensible attribute of the at least one representation element responsive to dynamic changes in the at least one activity stream," the concept of gradual increase or decrease is inherently conveyed. This is because the term "change" is dynamic by itself and adding a further qualifier of "dynamic change" means change that is continuous and gradual and variable, particularly when viewed in the context of the specification (see, e.g., paragraph 28 of the published Application U.S. 2002/0116516). Further, the phrase "activity stream" that appears in the claim and throughout the specification indicates a gradual and continuous activity that comes as a "stream" as opposed to an abrupt on or off phenomena.

Further, the specification is replete with references that establish dynamic change as a gradual and continuous, i.e. dynamic, phenomenon. For example, paragraph 42 of the published Application states "the display attribute for each representation element is dynamically synthesized as each activity stream changes." As another example, paragraph 46 of the published Application states "As the time of the calendar appointment nears the present time, the state of the current text font 79 is dynamically synthesized to reflect the activity stream values."

<u>Independent Claims 1, 11 and 26</u>

Claim 1, as amended, recites "<u>dynamically changing</u> the human sensible attribute of the representation element <u>responsive to dynamic changes</u> in the <u>activity stream</u> ... wherein <u>the dynamically changing the human sensible attribute is gradually increasing an intensity of the human sensible attribute</u>." (Emphasis added.)

Claim 11, as amended, recites "a user interface ... operable to<u> dynamically change </u>the human sensible attribute of the representation element<u> responsive to dynamic changes </u>in the activity stream</u> ... wherein <u>the dynamically changing the human sensible attribute is gradually increasing an intensity of the human sensible attribute</u>." (Emphasis added.)

Claim 26, as amended, recites "<u>dynamically changing</u> the human sensible attributes responsive to the <u>dynamic change</u> in the <u>activity stream</u> ... wherein <u>the dynamically changing the human sensible attributes is gradually increasing intensity of the human sensible attributes</u>." (Emphasis added.)

Support for the amendments may be found, for example, in paragraphs 28, 29, 35, 42, 46, 50 and 58 of the published Application and in Figures 1 and 8.

As argued before, Applicants maintain that **Pinard** teaches <u>a static icon</u> that appears at the location of the cursor. "[T]he cursor itself changes to an icon or to include an icon related to

the function." (Pinard, col. 3, lines 57-60.) The <u>shape of the icon is fixed</u> whether it replaces the cursor or whether it is shown adjacent an edge of the monitor. "The changed cursor can be displayed for a predetermined period of time, after which it can change to its normal form for the program in process, and/or a fixed icon displayed adjacent an edge or corner of the display." (Pinard, col. 4, lines 32-35.) The icon goes away either after it times-out, after the user strikes a key on the keyboard (col. 4, lines 42-43) or after the user answers the arriving call or prints the received fax (col. 4, lines 50-52.) In that sense, the icon of Pinard is either there or not there; it appears or disappears; it does change, but changes all of a sudden; it does not evolve or change dynamically. Accordingly Pinard does not teach or suggest "dynamically changing the … element responsive to dynamic changes in the … activity stream" of claim 1, "dynamically change the human sensible attribute … responsive to dynamic changes in the activity stream" of claim 11 or "dynamically changing the human sensible attributes responsive to the dynamic change in the activity stream" of claim 26.

As such, Applicants respectfully submit that Pinard does not teach each element of claims 1, 11 and 26 and, therefore, these claims are neither anticipated not rendered unpatentable by Pinard.

As argued before, the Office Action cites **Tavori** for the alleged teaching that the human-sensible attribute is synthesized based on a selected range. (Office Action, pp. 6-7.) Tavori, like Pinard, teaches "upper [and] lower limit set points, which, when exceeded either instantaneously or integrally, an alarm is set off to indicate to the user or nearby personnel that professional medical attention is to be sought." (Tavori, col. 3, lines 1-5.) As such, Tavori does not cure the deficiencies of Pinard that have been identified with reference to independent claims 1, 11 and 26.

Accordingly, the amended claims 1, 11 and 26 are believed to be patentable over the combination of Pinard and Tavori as well.

A third reference, Ferrel, is cited in the current Office action for teaching "applying a dynamic stylesheet to the representation element" of claim 28. (Office action, p. 8.) Ferrel appears to be directed to a stylesheet that can be changed by the user. (Ferrel, col. 3, lines 45-53 and col. 27, lines 52-55.) Therefore, at least the cited portions of Ferrel, do not appear to cure the deficiencies of Pinard set forth above.

Accordingly, the amended claims 1, 11 and 26 are believed to be patentable over the combination of Pinard, Tavori and Ferrel.

<u>Examiner's Response to Arguments</u>

First, the Examiner has stated "As a **first note** ... the claim language ... do not specifically state that the <u>shape</u> of the representation element is changed. Regardless ... the shape of the cursor icon is not fixed. Figure 3 [of Pinard] shows that the shape of the cursor icon 25 is one of a cursor attached with a telephone set; Figure 4 shows that the shape of the cursor icon 25 is one of a cursor attached with an envelope ... Figure 5 shows ... cursor attached with a fax; therefore, each of the figures shows a cursor icon of a different shape. Pinard teaches that as the at least one activity stream (incoming function) dynamically changes, the human sensible attribute (displayed form) of the at least one representation element (cursor icon) also dynamically changes ...." (Office action, p. 10, emphasis in original.)

In response, Applicants submit that <u>change of icon in Pinard is responsive to a change from one activity to another activity, not in response to changes of the same activity stream.</u> For a different activity, such as a phone call as opposed to an email, a different icon is shown. The envelope icon does not change to a phone icon unless the activity is changed to a completely

different activity.   Claim 26, for example, recites "determining a <u>representation element associated with the activity stream</u>, the representation element <u>having human sensible attributes</u>; and <u>dynamically changing the human sensible attributes</u> [of that same activity stream] responsive to the dynamic change in the activity stream." (Emphasis added.) According to the rules of antecedent basis in claims, the "human sensible attributes" related to an "activity stream" undergo a "dynamic change" in response to dynamic changes in the same "activity stream;" the claim language is not referring to a change of the activity stream number 1 (such as email in Pinard) to a completely different activity stream number 2 (such as a phone call in Pinard). If the claim is read with the antecedent basis in mind, no other meaning would be conveyed.

Second, the Examiner also states "The word dynamic is defined as … actions that take place at the moment they are needed rather than in advance….   Therefore, in view of the definition of dynamic, the cited teachings of Pinard, and the above response to the arguments, the examiner respectfully maintains that Pinard teaches dynamically changing …." (Office action, p. 11, internal quotations omitted.)

Applicants submit that the term "dynamic" is used in the claim to modify "change." The two terms should be considered together. Otherwise, why even use "dynamic change" instead of "change" alone. There is "change" in Pinard; but there is no "dynamic change." Where there is no email, there is no envelope icon. When an email is received, <u>an envelope icon appears that is complete and does not change to get darker or louder</u>. Pinard's icon is not subject to "dynamic change." For example, in claim 26, the element "dynamically changing the human sensible attributes responsive to the dynamic change in the activity stream," indicates a change in a change even if the definition provided by the Examiner for the term "dynamic" is accepted in view of the specification.

Further, the **added element** "wherein the dynamically changing the human sensible attributes is gradually increasing intensity of the human sensible attributes" further emphasizes the character of the "dynamic change" in the claims and differentiates the claims from the reference.

Accordingly, claims 1, 11 and 26 are believed to be patentable over the combination of Pinard, Tavori and Ferrel.

Dependent Claims

Claims 4-10, 20, 22 and 24 depend from claim 1. Claims 13-19, 23 and 25 depend from claim 11. Claims 27-29 depend from claim 26.
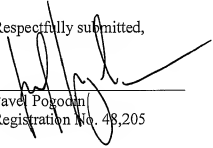
With respect to the rejection of the above dependent claims, while continuing to traverse the Examiner's characterization of the teachings of the references used by the Examiner in rejecting these claims, Applicants respectfully submit that the rejections of these claims are rendered moot by the amendments to the parent independent claims 1, 11 and 26 and that these claims are patentable by definition, by virtue of their dependence upon their respective patentable independent parent claims 1, 11 and 26.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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